

ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET



The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 17, 2009


United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

**HENRY S. MILLER
COMMERCIAL, LLC**

§
§
§
§

CASE NO. 09-34422-SGJ-7

ALLEGED DEBTOR.

AGREED ORDER MODIFYING AUTOMATIC STAY

On this day, the Court held considered the Unopposed Motion for Modification of Automatic Stay [Docket No. 50] (the "Motion"). For the reasons set forth in the Motion, and based upon the agreement of counsel, the Court finds that the Motion is well grounded. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. The Court further finds that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157. The Court further finds that venue of this proceeding is proper in this district pursuant to 28 U.S.C. §§ 1408. The Court finds that due and adequate notice of the Motion was given as required by the Bankruptcy Code and/or the Federal Rules of Bankruptcy Procedure. It is therefore

ORDERED, ADJUDGED AND DECREED that the Motion is GRANTED. It is further

ORDERED, ADJUDGED AND DECREED that the automatic stay pursuant to 11 U.S.C. § 362 is modified solely for the purpose of allowing any and all parties to prosecute or proceed and/or the Court of Appeals for the Fifth Appellate District of Texas and/or the Texas Supreme Court to rule in that certain action currently styled *Deferios, et al. v. Dallas Bayou Bend, et al.*, Case No. 5-08-01726-CV in the Court of Appeals for the Fifth Appellate District of Texas at Dallas, Texas. It is further

ORDERED, ADJUDGED AND DECREED that this Order expressly does not lift the automatic stay with respect to any collection efforts relating to the Judgment¹ and any party or other action seeking collection of the Judgment shall remain stayed pursuant to 11 U.S.C. § 362, absent further order of the Court .

End of Order

¹ Any capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

Agreed as to form and substance:

/s/ Rakhee V. Patel

Gerrit M. Pronske

State Bar No. 16351640

Rakhee V. Patel

State Bar No. 00797213

Christina W. Stephenson

State Bar No. 24049535

PRONSKE & PATEL, P.C.

2200 Ross Avenue., Suite 5350

Dallas, Texas 75201

(214) 658-6500 - Telephone

(214) 658-6509 – Telecopier

Email: gpronske@pronskepatel.com

Email: rpatel@pronskepatel.com

Email: cstephenson@pronskepatel.com

COUNSEL FOR HENRY S. MILLER COMMERCIAL, LLC

By: /s/ Howard Marc Spector

Howard Marc Spector

TBA #00785023

Nathan M. Johnson

TBA #00787779

SPECTOR & JOHNSON, PLLC

Banner Place, Suite 1100

12770 Coit Road

Dallas, Texas 75251

(214) 365-5377

FAX: (214) 237-3380

COUNSEL FOR PETITIONING CREDITORS